

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

JAMES E. HANCOCK,

Petitioner,

-vs-

TIMOTHY BRUNSMAN, Warden,

Respondent.

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Case No. 3:05-cv-310

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District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

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**DECISION AND ORDER DENYING MOTION FOR RECONSIDERATION**

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This case is before the Court on Petitioner's Motion for Reconsideration (Doc. No. 22) directed to the final judgment entered March 28, 2007 (Doc. Nos. 20, 21).

Petitioner's Motion is grounded in his belief that Judge Rose's Entry and Order adopts a Report and Recommendations which were filed the same day, thereby depriving Petitioner of his ability to file objections. In fact, the Report and Recommendations adopted by Judge Rose were filed May 30, 2006 (Doc. No. 16). Petitioner did object on June 9, 2006 (Doc. No. 17). A verbatim copy of the Report was re-filed on March 28, 2007, to correct an overprinting of two lines of type in the body of the document as it appeared in the earlier filed copy.

The Motion for Reconsideration is therefore DENIED.

April 5, 2007.

s/ **Michael R. Merz**  
Chief United States Magistrate Judge